

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN J. GRIMALDO,

Defendant.

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Case No. 8:06MJ-59

ORDER

This case is before the court on the defendant's Motion to Review Detention and Request for Evidentiary Hearing [8]. The motion is denied without hearing.

The proposed placement of the defendant in the third-party custodianship of his mother in the family home fails to adequately address the court's concerns as set out in the May 19, 2006 Detention Order [7]. In reaching this conclusion I have considered the significant prior criminal record of the defendant, who is only 25 years old. I have also considered that the family home contains the defendant's brother, Joe, who is currently on felony probation from Sarpy County and the defendant's father, Dionicio, who has two felony convictions—1990 delivery of cocaine and 2000, felon in possession of firearm. Additionally, while the mother is willing to serve as a third-party custodian, there is no reason to believe that she would be able to control her son any more effectively than she did throughout his earlier life when he accumulated his substantial criminal record. Therefore, I find that clear and convincing evidence demonstrates the proposed plan of release does not reasonably assure the safety of any other person or the community.

IT IS ORDERED:

1. The defendant's Motion to Review Detention [8] is denied without hearing.

Dated this 19th day of June 2006.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge